

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
APRIL 3, 2000**

PRESENT: Barbara Flaherty, Karen Krause, Marvile Martin, Bruce Bennett, Lorraine Norem, and Denise Svetly

EXCUSED: Leon Lauer and Danny Trotter

STAFF PRESENT: Alfred Hall Jr., John Schweitzer, and Jan Neitzel; Darwin Tichenor and Members of Division of Enforcement Staff were present for portions of the meeting.

GUESTS: Numerous Guests

CALL TO ORDER

Chair Barbara Flaherty called the meeting to order at 9:48 a.m., upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to approve the agenda as published. Motion carried unanimously.

MINUTES (3/20/00)

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to approve the minutes. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary's Report

Secretary Cummings stated she would like to meet with Mr. Bennett to discuss aestheticians and with Ms. Flaherty to discuss how the board's strategic planning corresponds to the Departments goals.

Secretary Cummings' congratulated the Board on establishing goals and working to keep up with current practice issues.

Secretary Cummings invited the Board to attend the board member workshop on July 13-14, 2000. The first day will be for orienting new board members and the second day will be for discussing regulatory issues common to multiple boards.

Advisory Committees Update

- Aestheticians, Electrologists and Manicurists Scope of Practice Advisory Committee Update

Secretary Cummings mentioned that publications talk about aestheticians working with plastic surgeons. This will be referred to the advisory committee for its comments.

- Identifying Pass Rates for Practical Examinations

Nothing to report.

- Licensing of Instructors

The Board discussed the pros and cons of eliminating the instructor examination.

Bureau Director's Report

January 2000 Roster/2000 Meeting Dates

Ms. Norem and Mr. Lauer are the screening panel members.

Regulatory Digest

The Board received a copy of the Regulatory Digest.

Mr. Hall reported that the Regulatory Digest will be mailed within three weeks.

To-Pass Folder

The To-Pass Folder was noted.

LEGISLATIVE UPDATE

Status of LRB 0803/1-Relating to Education Requirements

Mr. Hall reported that LRB 0803/1 did not pass in the last Legislative session and will need to be resubmitted in January 2001.

Status of LRB 3269/2-Relating to Eligibility Requirements and Disciplinary Action

Nothing to report.

ADMINISTRATIVE RULES

Public Hearing

Proposed Rules Re: Change to Credit Salon Visits as Theory Hours

Mr. Hall explained the administrative rule-making process, as well as, the difference between statutes and rules.

- Clearinghouse Report to Agency 00-019

John Kwitek, President of the Association of Private Cosmetology Schools, asked the Board to consider deleting the word "theory." This would allow increased credited theory hours to at least 305 allowed hours. Mr. Kwitek stated that other states are using 360 theory hours.

The Board requested Mr. Kwitek forward any information he has relating to other states using theory hours.

Ms. Kraus agreed that removing the distinction between theory and practical hours would be consistent with allowing students and faculty more flexibility for addressing curriculum topics.

MOTION: Karen Krause moved, seconded by Bruce Bennett, to remove the word “theory” as it relates to structured visits outside of the classroom. Motion carried unanimously.

Proposed Rules Re: Revising Section RL 62.11(1)(i) Related to Permitting Structured Establishment Visits

- Clearinghouse Report to Agency 00-018

Barb Flaherty clarified that the Board wanted students to get credit for the 8 hours of salon visits that is in the existing rule.

MOTION: Denise Svetly moved, seconded by Marvile Martin, to remove “barber/cosmetology establishment” from the electives available for electrologists in s. 5.05 (viii), Stats. Motion carried unanimously.

BOARD MEMBER ACTIVITY

Strategic Plan follow-Up, Planning for the Future

The Board is still prioritizing the issues identified at the strategic planning meeting. The plan is to address each of the issues on future agendas.

The Board determined, to be effective, it needs to stay focussed on the items in the public notice. It was determined it could be accomplished two ways:

- 1) to note board member ideas that may not be relevant to the topic of discussion for a more appropriate time during the meeting or at a future meeting and
- 2) to ask that stake holders submit their written concerns about a publicly noticed agenda item at the beginning of the meeting or to submit written future agenda recommendations to the board office in care of Mr. Hall at least three weeks before the scheduled meeting.

Kathy Shauer stated she has submitted several questions to Mr. Hall in writing over three months ago and has not received any answers. In addition she was perturbed that even though she had contacted Mr. Hall prior to the meeting, none of the questions were on the current agenda. Ms. Shauer wanted to know if students coming from out of state could receive credit for experience gained in a previous school program and some examples of intermediate level disinfectants.

Mr. Hall stated that the issue of credit for out of state students will be addressed under the topic of apprenticeship and that the next edition of the Regulatory Digest will clarify the definition and

give examples of intermediate level disinfectants. He also would send her a copy of a memo he received from public health giving some disinfectant examples.

Scope of Practice for Manicurists, Aestheticians and Electrologists Advisory committee Update

Chair Flaherty gave a report of the meeting during Secretary Cummings' report. The Board thought the Advisory Committee is an excellent body for answering practice questions that current professional members are unable to answer.

Eligibility Requirements for Licenses and Disciplinary Action Taken By the Board

Nothing to report.

PRACTICE ISSUES

Use of Expired Antiseptics By Practitioners

Ms. Kraus and Ms. Noreem will research the use of expired antiseptics and report to the Board at the June 5, 2000, meeting.

Establishment Support Personnel

Mr. Hall reported that Representative Bonnie Ladwig had written to each of the states asking them about use of shampoo persons in licensed establishments. Representative Ladwig will report the results to the Board when they become available.

Discussion of Mobile Establishment Guidelines

Mr. Hall reported that the use of mobile establishment's has been approved. However, no one has applied for a license yet. Department staff has raised some concerns about reporting for a mobile establishment owner and how enforcement staff would contact the mobile establishment owner if needed. The staff will recommend guidelines to the Board at the June 5, 2000, meeting.

Microdermabrasion

Microdermabrasion will be referred to the Advisory Committee.

Facial Peels

The following items will be referred to the Advisory Committee.

Should Their Application Be Restricted as a Cosmetology and/or Aesthetics Practice?

Do Barber and Cosmetologists and Estheticians Receive Instruction?

What Do We Know About the Product?

Who Draws the Line Between (1) Over-the-Counter and Non-Professional Use, (2) Professional Cosmetology/Aesthetics Use, and (3) Medical Use?

Discussion of Laser Hair Removal

Laser hair removal will be referred to the Advisory Committee.

APPRENTICESHIP PROGRAM

Discussion of s. 454.10, Wis Stats. and Bc 6.05, Wis. Adm. Code

The Board discussed in length whether it was appropriate to recommend legislative change that an apprentice be allowed to complete the apprenticeship program in less than two years. It determined that an apprentice would not get enough education and experience adequate to competently independently practice on a patron. The Board believed that an apprentice should not complete the program in less than two years. However, an apprentice should be granted credit for calendar time spent in prior training.

MOTION: Bruce Bennett moved, seconded by Marvile Martin, to interpret s. BC 6.05(3), Wis. Adm. Code, as authorizing staff to grant apprentices credit for calendar time spent in prior training, which would be deducted from the two year minimum time spent in an apprenticeship program. Motion carried unanimously.

Apprentice Taking Examination Within Two Years of Apprenticeship

This issue was part of the aforementioned topic.

EXAMINATION ISSUES

Instructor Examination

The Board discussed the pros and cons of changing or eliminating the instructor's exam.

DIVISION OF ENFORCEMENT

Inspection Report Update

Jane Brischke, DOE, distributed the revised compliance inspection report to the Board.

Ms. Brischke stated that a copy of the compliance inspection report is sent with each new establishment license application. 100% of these applications have been returned. DOE will do an on-site audit of each of the establishments after the license has been issued.

Secretary Cummings supports the self-inspection report.

LEGAL COUNSEL REVIEW OF PHONE INQUIRIES

None.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

NEW BUSINESS

The Board discussed the Department's website and asked if the laws could be added to the website.

Mr. Hall will have the instructions to find the Department's website in the next Regulatory Digest. He will also ask if there is a link between the Departments website and the Wis. Admin. Code.

RECESS TO CLOSED SESSION

MOTION: By consensus, the Board convened the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Karen Kraus-yes; Marvile Martin-yes;; Lorraine Norem-yes; Denise Svetly-yes; Barbara Flaherty-yes;

Open Session recessed at 12:49 a.m.

CLOSED SESSION

The Board deliberated on 28 case closings, stipulations for Revelations Hair Salon and Lee N. Scott, monitoring reports for Rose Ann Ivy and Samuel Baker Jr, and proposed disciplinary actions.

ADJOURN CLOSED SESSION

MOTION: Lorraine Norem moved, seconded by Marvile Martin, to reconvene in Open Session at 2:05 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Lorraine Norem moved, seconded by Marvile Martin, to close the following cases for the reasons identified in the last column. Motion carried unanimously.

99 BAC 062	Nancy L. Barkdoll	No violation
98 BAC 140	Nail Arts	P1
99 BAC 077	European Bodyworks and Skin Clinic, Inc.	P2
99 BAC 077	Nancy Vandervelde	P2
99 BAC 077	Carla Pommering	P2
99 BAC 077	Bodywork Massage & Nails by Carla Pommering	P2
99 BAC 095	European Bodyworks and Skin Clinic, Inc.	P2
99 BAC 095	Nancy Vandervelde	P2
99 BAC 095	Carla Pommering	P2
99 BAC 095	Bodywork Massage & Nails by Carla Pommering	P2
99 BAC 097	Carla Pommering	P2
99 BAC 097	Bodywork Massage & Nails by Carla Pommering	P2
99 BAC 097	Hair Today	P2
99 BAC 097	Shirley Rank	P2
99 BAC 044	Lori P. Kumbalek	Insufficient Evidence
99 BAC 081	Jimmy Nguyen	Insufficient evidence
99 BAC 081	Model Nails	Insufficient evidence
99 BAC 059	Faces II LLC	P1
99 BAC 059	Cheryl Rebholz	P1
99 BAC 067	Lee's Nails	Insufficient evidence
99 BAC 067	Thanh D. Nguyen	Insufficient Evidence
99 BAC 072	As The Heads Turn	IE
99 BAC 072	Linda Grey	IE
99 BAC 088	Gee's Clippers	IE
99 BAC 058	Mary Rine	No violation
00 BAC 017	Lee's Nails	Insufficient evidence
99 BAC 091	Bryan Grant	Insufficient evidence
99 BAC 091	Bobann Richmond	Insufficient evidence

STIPULATIONS

MOTION: Karen Krause moved, seconded by Lorraine Norem, to accept the Findings of Fact, Conclusions of Law and Orders for Revelations Hair Salon and Lee N. Scott. Motion carried unanimously.

MONITORING REPORT

MOTION: Marvile Martin moved, seconded by Denise Svetly, to suspend the licenses of Rose Ann Ivy and Samuel Baker Jr. Motion carried unanimously.

ADJOURNMENT

MOTION: Karen Krause moved, seconded by Marvile Martin, to adjourn the meeting at 2:08 p.m. Motion carried unanimously.